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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DARLERY FRANCO, individually and on behalf of all others similarly situated, et al.,

Plaintiffs,

V.

CONNECTICUT GENERAL LIFE
INSURANCE CO., et al.,

Defendants.

: Document Electronically Filed

Case No. 07-cv-6039 (SRC) (PS)

**NOTICE OF DEFENDANTS’
SUPPLEMENTAL MOTION TO
DISMISS**

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PLEASE TAKE NOTICE that, pursuant to the briefing schedule set forth in the Court's Order of June 17, 2009 (Docket Entry 210) ("CMO"), on Monday, December 7, 2009, or as soon as counsel may be heard, defendants Connecticut General Life Insurance Company, CIGNA Corporation, and CIGNA Health Corporation (the "Defendants"), by and through their attorneys, Gibbons P.C. and Kirkland & Ellis LLP, shall move before the Honorable Stanley R. Chesler, U.S.D.J., United States District Court for the District of New Jersey, United States Post Office and Courthouse Building, One Federal Square, Newark, New Jersey, for an Order

pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, to this Court's CMO, and to an Order of the transferring court, dismissing the Complaint in *Higashi v. Connecticut General Life Insurance Co., et al.* (Civ. No. 09-4348).

PLEASE TAKE FURTHER NOTICE that the Defendants shall rely on the Memorandum of Law submitted in support of this Supplemental Motion and all other papers of record.

PLEASE TAKE FURTHER NOTICE that a Certification attesting to the date and manner of service of these moving papers is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is requested in the event there is opposition to this Supplemental Motion.

Dated: September 25, 2009

BY: s/Brian J. McMahon
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